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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 ROBERT WILLIAMS,

10 Plaintiff,

11 v.

12 BACA, et al.,

13 Defendants.

Case No. 3:15-cv-00012-MMD-VPC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE

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15 Before the Court is the Report and Recommendation of United States Magistrate  
16 Judge Valerie P. Cooke (dkt. no. 43) ("R&R") relating to Defendant's Motion to Dismiss,  
17 or, in the Alternative, Motion for Summary Judgment (dkt. no. 29). Plaintiff had until April  
18 22, 2016, to object to the R&R. To date, no objection has been filed.

19 This Court "may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
21 timely objects to a magistrate judge's report and recommendation, then the court is  
22 required to "make a *de novo* determination of those portions of the [report and  
23 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party  
24 fails to object, however, the court is not required to conduct "any review at all . . . of any  
25 issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
27 magistrate judge's report and recommendation where no objections have been filed.  
28 *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the  
standard of review employed by the district court when reviewing a report and

1 recommendation to which no objections were made); see also *Schmidt v. Johnstone*,  
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in  
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
4 issue that is not the subject of an objection."). Thus, if there is no objection to a  
5 magistrate judge's recommendation, then the court may accept the recommendation  
6 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without  
7 review, a magistrate judge's recommendation to which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R  
10 and the records in this case, the Court agrees with the Magistrate Judge's finding that  
11 the undisputed evidence shows Plaintiff failed to exhaust his available administrative  
12 remedies. The Court thus finds good cause to adopt the Magistrate Judge's R&R in full.


13 It is therefore ordered, adjudged and decreed that the Report and  
14 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 43) is accepted and  
15 adopted in its entirety.

16 It is further ordered that Defendant's Motion to Dismiss, or, in the Alternative,  
17 Motion for Summary Judgment (dkt. no. 29) is granted.

18 It is further ordered that Plaintiff's cross-motion for summary judgment (dkt. no.  
19 32) is denied.

20 It is further ordered that the Clerk enter judgment and close this case.

21 DATED THIS 28<sup>th</sup> day of April 2016.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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